

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

IN RE: NATIONAL FOOTBALL  
LEAGUE PLAYERS' CONCUSSION  
INJURY LITIGATION

No. 12-md-2323 (AB)

MDL No. 2323

-----  
**THIS DOCUMENT RELATES TO:**

**Plaintiffs' Master Administrative Long-  
Form Complaint**

**SHORT FORM COMPLAINT**

**IN RE: NATIONAL FOOTBALL  
LEAGUE PLAYERS' CONCUSSION  
INJURY LITIGATION**

**JURY TRIAL DEMANDED**

---

**SHORT FORM COMPLAINT**

1. Plaintiff, RANDY DAVIS PHILLIPS, JR., brings this civil action as a related action in the matter entitled IN RE: NATIONAL FOOTBALL LEAGUE PLAYERS' CONCUSSION INJURY LITIGATION, MDL No. 2323.

2. Plaintiff is filing this short form complaint as required by this Court's Case Management Order No. 2, filed April 26, 2012.

3. Plaintiff incorporates by reference the allegations as designated below of the Master Administrative Long-Form Complaint, as may be amended, as if fully set forth at length in this Short Form Complaint.

4. Plaintiff, RANDY DAVIS PHILLIPS, JR., is a resident and citizen of Palm Beach County, Florida and claims damages as set forth below.

5. On information and belief, the Plaintiff sustained repetitive, traumatic sub-concussive and/or concussive head impacts during NFL games and/or practices. On information and belief, Plaintiff suffers from symptoms of brain injury caused by the repetitive, traumatic sub-concussive and/or concussive head impacts the Plaintiff sustained during NFL games and/or practices. On information and belief, the Plaintiff's symptoms arise from injuries that are latent and have developed and continue to develop over time.

6. Plaintiff claims damages as a result of [check all that apply]:

- ☒ Injury to Herself/Himself
- ☐ Injury to the Person Represented
- ☐ Wrongful Death
- ☐ Survivorship Action
- ☒ Economic Loss
- ☐ Loss of Services
- ☐ Loss of Consortium

**DEFENDANTS**

7. Plaintiff brings this case against the following Defendants in this action:

- ☒ National Football League

x   NFL Properties, LLC

  x   Riddell, Inc.

  x   All American Sports, Inc. (d/b/a Riddell Sports Group, Inc.)

  x   Riddell Sports Group, Inc.

  x   Easton-Bell Sports, Inc.

  x   Easton-Bell Sports, LLC

  x   EB Sports Corporation

  x   RBG Holdings Corporation

13. As to each of the Riddell Defendants referenced above,  
the claims asserted are:   x   design defect;   x   informational defect;   x   manufacturing defect.

14. The Plaintiff wore one or more helmets designed and/or manufactured by the  
Riddell Defendants during one or more years Plaintiff played in the NFL and/or AFL.

15. Plaintiff played in the National Football League (“NFL”) during the 2010-2011  
NFL season for the Detroit Lions.

### **CAUSES OF ACTION**

16. Plaintiff herein adopts by reference the following Counts of the Master  
Administrative Long-Form Complaint, along with the factual allegations incorporated by  
reference in those Counts [check all that apply]:

  x   Count I (Action for Declaratory Relief – Liability (Against the NFL))

  x   Count II (Medical Monitoring (Against the NFL))

x   Count III (Wrongful Death and Survival Actions (Against the NFL))

  x   Count IV (Fraudulent Concealment (Against the NFL))

  x   Count V (Fraud (Against the NFL))

  x   Count VI (Negligent Misrepresentation (Against the NFL))

     Count VII (Negligence Pre-1968 (Against the NFL))

  x   Count VIII (Negligence Post-1968 (Against the NFL))

     Count IX (Negligence 1987-1993 (Against the NFL))

  x   Count X (Negligence Post-1994 (Against the NFL))

- x   Count XI (Loss of Consortium (Against the NFL and Riddell Defendants))
- x   Count XII (Negligent Hiring (Against the NFL))
- x   Count XIII (Negligent Retention (Against the NFL))
- x   Count XIV (Strict Liability for Design Defect (Against the Riddell Defendants))
- x   Count XV (Strict Liability for Manufacturing Defect (Against the Riddell Defendants))
- x   Count XVI (Failure to Warn (Against the Riddell Defendants))
- x   Count XVII (Negligence (Against the Riddell Defendants))
- x   Count XVIII (Civil Conspiracy/Fraudulent Concealment (Against All Defendants))

17. Plaintiff asserts the following additional causes of action [write in or attach]:

---

---

---

---

---

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff prays for judgment as follows:

- A. An award of compensatory damages, the amount of which will be determined at trial;
- B. For punitive and exemplary damages as applicable;
- C. For all applicable statutory damages of the state whose laws will govern this action;
- D. For medical monitoring, whether denominated as damages or in the form of equitable relief;
- E. For an award of attorneys' fees and costs;
- F. An award of prejudgment interest and costs of suit; and
- G. An award of such other and further relief as the Court deems just and proper.

**JURY DEMANDED**

Pursuant to Federal Rule of Civil Procedure 38, Plaintiff(s) hereby demand(s) a trial by jury.

RESPECTFULLY SUBMITTED:

**GOLD & GOLD, P.A.**

Attorneys for Plaintiff

2121 Ponce de Leon Blvd., Suite 740

Coral Gables, FL 33134

Telephone: (305) 567-2525

Facsimile: (305) 567-2575

Email: Pleadings@goldlawpa.com

By: /s/ Ian Kirtman

**Philip A. Gold, Esquire**

Florida Bar No.: 0032550

**Ian M. Kirtman, Esquire**

Florida Bar No.: 0084393